

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

VERNON WAYNE MCNEAL,

Plaintiff, No. CIV S-05-0441 GEB EFB P

VS.

EVERT, et al.,

Defendants. ORDER

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. He has requested that the court appoint counsel. District courts lack authority to appoint counsel to represent indigent prisoners in section 1983 cases. *Mallard v. United States Court*, 490 U.S. 296, 298 (1989). In exceptional circumstances, the court may request counsel voluntarily to represent such a plaintiff. 28 U.S.C. § 1915(e)(1); *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991); *Wood v. Housewright*, 900 F.2d 1332, 1335-36 (9th Cir. 1990). The court finds that there are no exceptional circumstances in this case.

Accordingly, IT IS HEREBY ORDERED that plaintiff's April 23, 2009 motion for appointment of counsel is denied.

DATED: April 28, 2009.

EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE